



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 2 1998

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mitchell L. Press
DuPont-Chambers Works
Building 654
Route 130
Deepwater, NJ 08023

Dear Mr. Press,

This letter responds to your facsimile of April 24, 1998 in which you ask two questions concerning the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313 reporting requirements. Specifically, your questions concern the revised interpretation of the term "otherwise use" under EPCRA section 313.

Your first question relates to EPCRA section 313 toxic chemicals in the metal fraction of a waste water stream received from off-site that is introduced into a treatment train that includes neutralization, biotreatment (activated sludge) and carbon adsorption. Some of the toxic chemicals in the waste stream are treated for destruction in these treatment steps. The toxic chemicals in the metal fraction are not treated in these steps and are subsequently stabilized and disposed on-site or sent off-site for disposal without stabilization. As you know, EPA recently revised its interpretation of the term otherwise use to include:

any use of a toxic chemical contained in a mixture or other trade name product or waste, that is not covered by the terms "manufacture" or "process." Otherwise use of a toxic chemical does not include disposal, stabilization (without subsequent distribution in commerce), or treatment for destruction unless: (1) The toxic chemical that was disposed, stabilized, or treated for destruction was received from off-site for the purposes of further waste management... (40 CFR §372.3)

This revised interpretation of otherwise use only applies to situations where the toxic chemical is both received from off-site for further waste management and then is disposed, stabilized or treated for destruction on-site. Therefore, the toxic chemicals in the wastes received from off-site and stabilized on-site are counted towards the otherwise use threshold when they enter the first step in the treatment train. These chemicals, however, should only be counted towards the otherwise use threshold once. They are not counted separately each time they enter a new treatment or stabilization step. The toxic chemicals in wastes received from off-site that are not

treated for destruction, stabilized or disposed of on-site do not meet the revised definition of otherwise use and are not counted towards this threshold. However, if the facility meets an activity threshold for these chemicals elsewhere at the facility, their transfer off-site for disposal should be reported in Part II, sections 6.2 and 8.1 on the Form R.

Your second question concerns an incinerator burning an organic waste stream received from off-site that contains a small amount of EPCRA section 313 metal compounds. The metal fraction of this waste is not destroyed and instead is sent off-site for further waste management. The toxic chemicals in the organic fraction are treated for destruction and should therefore be considered towards the facility's otherwise use threshold. The toxic chemicals in the metal fraction of the waste stream that cannot be destroyed and are subsequently sent off-site for further waste management, are not considered towards the facility's otherwise use threshold. However, oxidation of certain metal compounds may occur at high temperatures and any EPCRA section 313 listed toxic chemicals that are created from this process must be considered towards the manufacturing threshold for these chemicals. Also, if the facility meets an activity threshold for these chemicals elsewhere at the facility, their transfer off-site for further management should be reported in Part II, sections 6.2 and 8 on the Form R.

I hope this information is helpful to you in making threshold determinations and release and other waste management calculations for section 313 of EPCRA. If you have any other questions, or desire further information, please call either Sara Hisel McCoy at 202.260.7937 or me at 202.260.9592.

Sincerely

A handwritten signature in cursive script, appearing to read "Maria J. Doa".

Maria J. Doa Ph.D., Chief
Toxics Release Inventory Branch

cc: IG system